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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,138	06/28/2001	Uemura Kensuke	F-7038	4022

7590 12/02/2004  
Jordan and Hamburg  
122 East 42nd Street  
New York, NY 10168

EXAMINER

WILSON, JOHN J

ART UNIT PAPER NUMBER

3732

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

ds

**Supplemental  
Notice of Allowability**

**Application No.**

09/893,138

**Examiner**

John J. Wilson

**Applicant(s)**

KENSUKE ET AL.

**Art Unit**

3732

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment of May 17, 2004.
2. ☒ The allowed claim(s) is/are 3,7 and 10-12.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Allowable Subject Matter***

Claims 3, 7 and 10-12 are allowed.

The following is an examiner's statement of reasons for allowance: It is noted that the statement made by the examiner in the Final Rejection (Paper No. 13) that Masumoto et al (JP 40813461) does not show a polished surface is in error. The translation submitted May 17, 2004 shows that on page 10, paragraph [0020] Masumoto discloses a polished surface. However, Masumoto fails show the claimed metal alloy of Ag-Pd-Au, and further teaches away from the use of such alloys, see page 4, paragraph [0003] of the translation submitted 5/17/2004. Therefore, while the newly cited references to Prasad (5462437), Davitz (4865809) and Groll (5298218) all show dentures or partial dentures that include an alloy of Ag-Pd-Au, it would not be obvious to combine with Masumoto to include alloys that it teaches away from. The newly cited reference to Gasser (5024711) teaches a substrate of Ag or Pd-Au alloy that is coated with an amorphous material, silicon nitride, in order to better prepare a surface of a denture for bonding with a synthetic resin. It is noted that the language of claim 3 is broadly directed to partial metal dentures and the claim does not limit the amorphous surface to being the claimed metal alloy, and so, Gasser meets these limitations. Gasser fails to show using a polished surface. While Masumoto et al (JP 40813461), Prasad (5462437), Davitz (4865809) and Groll (5298218) all teach using a polished surface, it would not be obvious to modify Gasser to include a polished surface because there is no teaching in the art to modify Gasser to polish the coated silicon

nitride surface, and polishing may well destroy the ability of the coated surface to bond with a synthetic resin as is the purpose for the coating.

Any comments considered necessary by applicant must be submitted immediately because the issue fee has been received. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

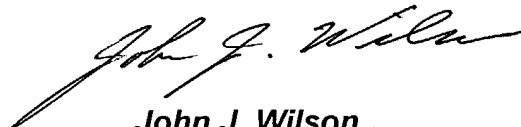
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-273-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-273-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**John J. Wilson**  
**Primary Examiner**  
**Art Unit 3732**

jjw

November 22, 2004